

Nicholas J. Santoro (Nev. Bar No. 532)
Jason D. Smith (Nev. Bar No. 9691)
SANTORO WHITMIRE, LTD.
10100 W. Charleston Blvd., Suite 250
Las Vegas, NV 89135
Telephone: (702) 948-8771
Facsimile: (702) 948-8773
E-mail: nsantoro@santoronevada.com,
jsmith@santoronevada.com

Christopher N. Sipes (*pro hac vice*)
Einar Stole (*pro hac vice*)
Michael N. Kennedy (*pro hac vice*)
Megan P. Keane (*pro hac vice*)
COVINGTON & BURLING LLP
One CityCenter, 850 Tenth Street, NW
Washington, DC 20001
Telephone: (202) 662-6000
Facsimile: (202) 662-6291
E-mail: csipes@cov.com, estole@cov.com,
mkennedy@cov.com, mkeane@cov.com

*Attorneys for Plaintiffs Amarin Pharma, Inc. and
Amarin Pharmaceuticals Ireland Limited*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

AMARIN PHARMA, INC., *et al.*,

Plaintiffs,

v.

WEST-WARD PHARMACEUTICALS CORP.,
et al.,

Defendants.

Case No.: 2:16-cv-02525-MMD-NJK

(Consolidated with 2:16-cv-02562-MMD-
NJK, 2:16-cv-02658-MMD-NJK, and
2:17-cv-02641-MMD-NJK)

**RESPONSE TO DEFENDANT TEVA'S
REQUEST TO ADJOURN PRE-
CLAIM-CONSTRUCTION
SETTLEMENT CONFERENCE
(ECF NO. 95)**

1 Plaintiffs Amarin Pharma, Inc. and Amarin Pharmaceuticals Ireland Limited
2 (collectively, “Amarin”) hereby respond to Defendant Teva Pharmaceuticals USA, Inc.’s
3 Request to Adjourn Pre-Claim-Construction Settlement Conference (ECF No. 95), and state the
4 following:

5 1. The Court has scheduled a settlement conference in this action for January 8,
6 2018. ECF No. 92 at 1. The conference will be conducted by Magistrate Judge Koppe in her
7 chambers. *Id.*

8 2. On December 6, 2017, Teva requested that the Court adjourn the settlement
9 conference “until after the Court has construed the claims of the patents in suit.” ECF No. 95 at
10 2. In support, Teva expressed its view that the “likelihood of success in talks in early January are
11 likely too low to warrant an in-person settlement conference at this juncture in the case.” *Id.*

12 3. The parties are in the process of drafting their claim construction briefs. Amarin
13 filed its opening brief on November 1, 2017. ECF No. 89. The Defendants’ responses and
14 Amarin’s reply are due December 12, 2017 and January 25, 2018, respectively. ECF No. 60 at
15 2. No date has been set for the claim construction hearing.

16 4. Amarin defers to the Court’s guidance on whether to proceed with the settlement
17 conference as planned. However, Amarin believes it would not be productive to hold a
18 conference with fewer than all parties present. Therefore, Amarin requests that either (a) all
19 parties be required to be present at the settlement conference or (b) that the settlement conference
20 be adjourned until after the Court’s claim construction order has been issued. Amarin
21 appreciates that the Court devotes substantial time and resources to preparing for these
22 conferences and would not wish to burden the Court unnecessarily.

1 DATED: December 8, 2017

2 Respectfully submitted,

3
4 /s/ Jason D. Smith

Nicholas J. Santoro (Nev. Bar No. 532)

5 Jason D. Smith (Nev. Bar No. 9691)

6 SANTORO WHITMIRE, LTD.

10100 W. Charleston Blvd., Suite 250

7 Las Vegas, NV 89135

Telephone: (702) 948-8771

8 Facsimile: (702) 948-8773

E-mail: nsantoro@santoronevada.com

9 jsmith@santoronevada.com

10 Christopher N. Sipes (*pro hac vice*)

11 Einar Stole (*pro hac vice*)

12 Michael N. Kennedy (*pro hac vice*)

13 Megan P. Keane (*pro hac vice*)

COVINGTON & BURLING LLP

14 One CityCenter, 850 Tenth Street, NW

Washington, DC 20001

Telephone: (202) 662-6000

15 Facsimile: (202) 662-6291

E-mail: csipes@cov.com

16 estole@cov.com

17 mkennedy@cov.com

mkeane@cov.com

18 *Attorneys for Plaintiffs Amarin Pharma, Inc.*

19 *and Amarin Pharmaceuticals Ireland Limited*

CERTIFICATE OF SERVICE

I hereby certify that on December 8, 2017, I electronically transmitted a true and correct copy of the foregoing **RESPONSE TO DEFENDANT TEVA'S REQUEST TO ADJOURN PRE-CLAIM-CONSTRUCTION SETTLEMENT CONFERENCE (ECF NO. 95)**, to the following counsel of record in this matter:

Laxalt & Nomura, Ltd.

Wayne A. Shaffer

Email: wshaffer@laxalt-nomura.com

Locke Lord LLP

Alan B. Clement

Email: aclement@lockelord.com

Myoka Kim Goodin

Email: mkgoodin@lockelord.com

Nina Vachhani

Email: nvachhani@lockelord.com

Jennifer Coronel

Email: jennifer.coronel@lockelord.com

Attorneys for Defendants West-Ward Pharmaceuticals International Limited and West-Ward Pharmaceuticals Corporation

Brownstein Hyatt Farber Schreck, LLP

Michael D. Rounds

Email: mrounds@bhfs.com

Ryan J. Cudnik

Email: rcudnik@bhfs.com

Budd Larner P.C.

Constance S. Huttner

Email: chuttner@buddlarnar.com

Caroline Sun

Email: csun@buddlarnar.com

Beth Finkelstein

Email: bfinkelstein@buddlarnar.com

Attorneys for Defendants Dr. Reddy's Laboratories, Inc. and Dr. Reddy's Laboratories, Ltd.

Dickinson Wright PLLC

John P. Desmond

Email: jdesmond@dickinsonwright.com

Brian R. Irvine

Email: birvine@dickinsonwright.com

Sterne, Kessler, Goldstein & Fox P.L.L.C.

J.C. Rozendaal

Email: jcrozendaal@skgf.com

Michael E. Joffre

Email: mjoffre@skgf.com

Chandrika Vira

Email: cvira@skgf.com

Attorneys for Defendant Teva Pharmaceuticals USA, Inc.

/s/ Rachel Jenkins

An employee of Santoro Whitmire